

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 52881)
FILED TO CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF THE)
WATER OF AN UNDERGROUND SOURCE IN)
THE SMITH VALLEY GROUNDWATER BASIN,)
LYON COUNTY, NEVADA.)

RULING

GENERAL

Application 52881 was filed on January 25, 1989, by Harry H. Williamson, Sr. and Naoma S. Williamson, Mark A. Williamson and Leslie Williamson to change the point of diversion and place of use of 1.17 c.f.s. a portion of water heretofore appropriated under Permit 34931, Certificate 9482. The proposed use is for irrigation purposes within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, T.12N., R.23E., M.D.B.&M. The proposed point of diversion is described as being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.11N., R.23E., M.D.B.&M. The existing point of diversion is described as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T.13N., R.24E., M.D.B.&M.¹

Application 52881 was timely protested on March 6, 1989, by Norman T. Annett on the following grounds:¹

- 1) we are entering into a third consecutive drought year; 2) underground water has not been recharged; 3) I have an application on file for irrigation well that has been denied; 4) this well is within one-half mile of an existing well which could affect all near-by wells as well as domestic wells.

Application 52881 was timely protested on March 6, 1989, by Vernon F. Bryan, Inc. on the following grounds:¹

- 1) The available underground water appears to be dropping to lower levels with each year; 2) there are already six (6) irrigation wells in the area; 3) some of the existing uses include row-crops which require twice the duty of the land.

¹ Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

Water level measurements conducted by this office indicate that the static water levels in wells near the proposed point of diversion of Application 52881 have dropped from ten (10) to thirty (30) feet from 1986 to present. The well locations and their measurements are as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.11N., R.23E., M.D.B.&M.

<u>Date</u>	<u>Static Water Level</u>
Pre-1987	24 feet \pm
Spring 1987	28.03 feet
Spring 1988	45.90 feet
Spring 1989	54.25 feet

SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, T.11N., R.23E., M.D.B.&M.

<u>Date</u>	<u>Static Water Level</u>
Pre-1987	22 feet \pm
Spring 1987	23.20 feet
Spring 1988	28.81 feet
Spring 1989	32.79 feet

SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T.11N., R.23E., M.D.B.&M.

<u>Date</u>	<u>Static Water Level</u>
Pre-1987	110 feet \pm
Spring 1987	108.15 feet
Spring 1988	118.00 feet
Spring 1989	130.21 feet

SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T.12N., R.23E., M.D.B.&M.

<u>Date</u>	<u>Static Water Level</u>
Pre-1987	20 feet \pm
Spring 1987	22.45 feet
Spring 1988	31.54 feet
Spring 1989	42.51 feet

NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T.12N., R.23E., M.D.B.&M.

<u>Date</u>	<u>Static Water Level</u>
Pre-1987	15 feet \pm
Spring 1987	13.23 feet
Spring 1988	24.22 feet
Spring 1989	37.08 feet

II.

Nevada Water Supply Outlook,² dated May 1, 1989, indicated that snowpack snow water content for the Walker River Basin was only 41% of average. Precipitation was 82% of average and reservoir storage was 40% of average. Streamflow for the basin is only predicted to be 60-65% of average. Therefore, these conditions will again cause increased pumpage of supplemental groundwater rights to make up water not available through the Walker River Irrigation District's storage and decreed rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.³

² Nevada Water Supply Outlook, May 1, 1989, United States Department of Agriculture, Soil Conservation Service, Reno, Nevada.

³ NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

III.

Nevada Revised Statutes provide that all water appropriated for beneficial use is subject to existing rights.⁵

IV.

Nevada Revised Statutes provide that the State Engineer is authorized and directed to designate preferred uses of underground water within designated areas.⁶

V.

Wells in this area have exhibited a continuous decline in static water levels over the last three years. With the low storage and runoff forecasts⁷ water users in this area will again have to rely on underground water sources to sustain their crops. Therefore, the State Engineer determines that it would not be in the best public interest and welfare to allow additional pumpage in this portion of the Smith Valley Groundwater Basin.

⁴ NRS 533.370(3).

⁵ NRS 533.030.

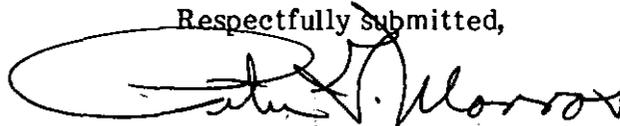
⁶ NRS 534.120.

⁷ Water for Nevada, U.S.D.A., Soil Conservation Service, May, 1989.

RULING

The protests of Norman T. Annett and Vernon F. Bryan, Inc. are hereby affirmed due to the declining water table in this portion of Smith Valley. Therefore, Application 52881 is herewith denied on the grounds that to grant the application for irrigation purposes within an area that is exhibiting a continuously declining water table would conflict with existing rights and not be in the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is fluid and cursive.

PETER G. MORROS
State Engineer

PGM/SW/bk

Dated this 18th day of

July, 1989.